

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

ALEXIS M. HERMAN, Secretary of Labor, : Civil Action
United States Department of Labor,

Plaintiff, : File No. 97cv02071
(JAF)

v.

SINDICATO DE EQUIPO PESADO

JUDGMENT
and
ORDER

Defendant. :

WHEREAS, pursuant to a Judgment and Order filed on December 22, 1998, the defendant Sindicato de Equipo Pesado conducted a new election for the offices of President, First Vice-President, Second Vice-President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Executive Board #1, Executive Board #2, Executive Board #3, and Guard under the supervision of the plaintiff Secretary of Labor; and

WHEREAS the plaintiff has filed a Certification of Election, certifying the names of the persons elected to the offices of President, First Vice-President, Second Vice-President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Executive Board #1, Executive Board #2, Executive Board #3, and Guard, conducted by the defendant Sindicato de Equipo Pesado in the supervised election, and further certifying that the supervised election was conducted in accordance with the provisions of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §481 et seq.), and in conformity with the Constitution and

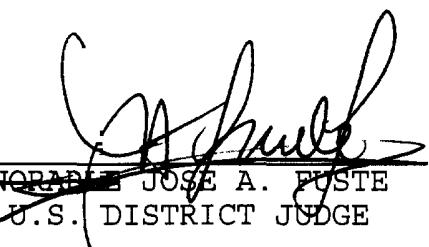
RECEIVED & FILED
99 OCT -4 AM 11:20
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

(21)

Bylaws of the defendant labor organization insofar as lawful and practicable;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the persons named in the attached Certification of Election filed as aforesaid by the plaintiff, are the duly elected officers of Sindicato de Equipo Pesado and they shall serve a term of office which shall expire no later than ninety (90) days after the election which will be held January 30, 2000.

DATED: September 30th, 1999
Hato Rey, Puerto Rico


~~HONORABLE~~ JOSE A. FUSTE
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

ALEXIS M. HERMAN,)
Secretary of Labor,)
United States Department of Labor,)
)
 Plaintiff,) Civil No. 97-2071 (JAF)
)
 v.)
)
SINDICATO DE EQUIPO PESADO,)
)
 Defendant.)

CERTIFICATION OF ELECTION

The election having been conducted in the above matter under the supervision of Secretary of Labor, United States Department of Labor, pursuant to a Judgment and Order filed on December 22, 1998, in the United States District Court for the District of Puerto Rico, in accordance with the provisions of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §§ 481 et seq.) and in conformity with the Constitution and Bylaws of the defendant labor organization, insofar as lawful and practicable, therefore:

Pursuant to Section 402(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. § 482(c)), and the authority delegated to me,

IT IS HEREBY CERTIFIED that the following named candidates have been duly elected to the offices designated:

Jesus M. Agosto	President
Tony Melendez	First Vice President
Francisco Morales	Second Vice President
Felipe Gonzalez	Secretary
Manuel Alvarado	Assistant Secretary
Angel Bas	Treasurer
Bernabe Rodriguez	Assistant Treasurer
Fidel Torres	Executive Board #1
Alphonse Joseph	Executive Board #2
Felix Mojica	Executive Board #3
Gustavo Bentgeat	Guard

Attached herewith is a Declaration setting forth the protests concerning violations which were alleged to have occurred in the conduct of the election and the findings of my investigation of these protests.

Signed this 30th day of August, 1999.

Lary F. Yud
Lary F. Yud
Chief, Division of Enforcement
Office of Labor-Management Standards
Employment Standards Administration
United States Department of Labor

DECLARATION OF LARY F. YUD

CITY OF WASHINGTON)
)
DISTRICT OF COLUMBIA)

I, Lary F. Yud, am the Chief, Division of Enforcement, Office of Labor-Management Standards (OLMS), United States Department of Labor (Department). Pursuant to a Judgment and Order issued December 22, 1998, in the United States District Court for the District of Puerto Rico, OLMS supervised the election for all offices of the Sindicato de Equipo Pesado. The supervised election was conducted by manual ballot at three polling sites on March 28, 1999, and the ballots were tallied immediately after the close of the polls. The complainant's slate defeated the incumbent officers' slate by margins of victory ranging from two votes (President) to 10 votes (Treasurer). As a result of the number of challenged ballots, the narrow margin of victory and errors in the Ballot Tally Certification, a ballot recount was held on April 20, 1999. The recount resulted in the incumbent officers' slate winning the election.

Jesus Agosto, incumbent president, filed an election protest by letter dated April 7, 1999, after the initial tally, challenging the rules of the election agreed to at the pre-election conference or imposed by the OLMS Election Supervisor, the conduct of the OLMS Election Supervisor and the problems with the Ballot Tally

Certification. After the April 20, 1999 ballot recount, he withdrew his protest and the Department received no further protests. Although the protest was withdrawn by the incumbent president, the Department investigated the protest and determined that the allegations were without merit, involved matters remedied at the April 20, 1999 ballot recount, or involved actions taken by OLMS which were within the authority granted to the Secretary of Labor and OLMS.

The Department has concluded from its investigation and analysis that no violation of Title IV of the Act occurred during the March 28, 1999 supervised election which may have affected the outcome of that election. The election complied with the district court's order and no reason exists to overturn the results of that election.

I declare under penalty of perjury that the foregoing is true and correct
Executed on this 30th day of August 1999, in the City of
Washington, District of Columbia.

Lary F. Yud
Lary F. Yud
Chief, Division of Enforcement
Office of Labor-Management Standards
Employment Standards Administration
United States Department of Labor